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 15 MIGUEL A. CRUZ and JOHN D. HANSEN

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 MIGUEL A. CRUZ, and JOHN D. HANSEN,  
 19 individually and on behalf of all others  
 similarly situated,

20 Plaintiffs,

21 v.

DOLLAR TREE STORES, INC.,

22 Defendant.

CASE NO. C 07 2050 SC (ENE) and  
 CASE NO. C 07 04012 SC

**STIPULATION AND [PROPOSED]  
 ORDER EXTENDING DEADLINE TO  
 HOLD AN ENE SESSION AND A  
 PRE-SESSION TELEPHONE  
 CONFERENCE**

JUDGE: Hon. Samuel Conti

COMPLAINTS FILED: April 11, 2007

July 6, 2007

TRIAL DATES: No dates set.

23 ROBERT RUNNINGS individually, and on  
 24 behalf of all others similarly situated,

25 Plaintiff,

26 v.

DOLLAR TREE STORES, INC.,

27 Defendant.

1                 The parties hereby request an extension of the deadline to hold the ENE  
 2 session and a corresponding continuation of the pre-session telephone conference on  
 3 the following grounds:

4                 1.      On July 26, 2007, counsel for Plaintiffs Cruz/Hansen and Defendant  
 5 Dollar Tree Stores, Inc. filed a stipulation to conduct an ENE session, requesting that the  
 6 session be set within 120 days. (Cruz Docket #22). The Court so ordered. (Cruz  
 7 Docket #24). On September 12, 2007, the ADR administrator appointed Sandra R.  
 8 McCandless as the Evaluator. (Cruz Docket #37).

9                 2.      The Evaluator first contacted the parties for scheduling purposes on  
 10 November 19, 2007 when she sent a letter by facsimile scheduling a pre-session  
 11 telephone conference for November 26, 2007. That letter states that the final deadline  
 12 for holding the session is November 30, 2007, a deadline that does not afford time for  
 13 counsel to arrange for attendance at the session by clients. Nor does the deadline allow  
 14 for the filing of meaningful ENE statements.

15                 3.      In the interim between the appointment of the Evaluator and the  
 16 November 19, 2007 letter setting the pre-session telephone conference, the parties have  
 17 filed a Stipulation and Proposed Order seeking consolidation of the Cruz/Hansen and  
 18 Runnings cases. (Cruz Docket #43). The Court has so ordered. (Cruz Docket #45.)  
 19 The cases were previously deemed related by the Court on August 31, 2007. (Cruz  
 20 Docket #34 and Runnings Docket #21). The parties in Runnings have not agreed upon  
 21 an ENE session as the appropriate ADR vehicle. An ADR conference was held on  
 22 November 15, 2007, with a continued session set for March 10, 2008.

23                 4.      Also in the interim, the Court has set January 20, 2008 as a  
 24 deadline for Defendant to file any motion for summary judgment addressed to the  
 25 individual claims of the three Plaintiffs.

26                 5.      Because of the delayed scheduling notice from the Evaluator, it is  
 27 not possible for the parties to comply with the requirement of ADR L.R. 5-5(a) to make  
 28 this request no later than 15 days before the session is to be held.

1                 6.     Given the delayed notice for scheduling the ENE session, the  
2 inability of one or more counsel to arrange for their clients' attendance, the non-  
3 agreement on ENE for one case in the now consolidated matters, and the pending filing  
4 of the motion for summary judgment, the parties do not believe a session at this time will  
5 be productive.

6 The parties therefore jointly request that the deadline to hold the ENE  
7 session be extended to April 30, 2008, and that the pre-session telephone conference  
8 set for November 26, 2007 be correspondingly postponed.

9 It is so stipulated.

DATED: November 20, 2007 KAUFF MCCLAIN & MCGUIRE LLP

KAUFF MCCLAIN & MCGUIRE LLP

By: Maureen E. McClain  
MAUREEN E. MCCLAIN

Atorneys for Defendant  
**DOLLAR TREE STORES, INC.**

DATED: November 20, 2007 SCOTT COLE & ASSOCIATES, APC

SCOTT COLE & ASSOCIATES, APC

CARRIE S. LIK

**Attorneys for Plaintiff**

DATED: November 20, 2007 EDGAR LAW FIRM

EDGAR LAW FIRM

By:   
JEREMY R. FIETZ

Attorneys for Plaintiffs  
MIGUEL A. CRUZ and JOHN D HANSEN

1                   **PURSUANT TO STIPULATION, IT IS SO ORDERED** that the deadline for  
2 holding an ENE session be continued to April 30, 2008, and that the pre-session  
3 telephone conference be likewise continued.

4

5 DATED: \_\_\_\_\_, 2007

6                   Samuel Conti, United States District  
7                   Court Judge

8 4825-4530-8162.1

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**PROOF OF SERVICE**

I, Rita I. Chavez, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is One Post Street, Suite 2600, San Francisco, California 94104. On November 21, 2007, I served a copy of the within document(s):

**STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE TO HOLD AN ENE SESSION AND A PRE-SESSION TELEPHONE CONFERENCE**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.

Sandra R. McCandless, Esq.  
 Sonnenschein, Nath & Rosenthal  
 525 Market Street, 26th Floor  
 San Francisco, CA 94105-2708  
 Phone: (415) 882-2412  
 Facsimile: (415) 882-0300

ADR Program  
 USDC-Northern District  
 450 Golden Gate Avenue,  
 16th Floor  
 San Francisco, CA 94102  
 Phone: (415) 522-2199  
 Facsimile: (415) 522-4112

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 21, 2007, at San Francisco, California.



Rita I. Chavez